

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1855 OF 2023

Ruttik Nilkant Kedar	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. G. B. Pawar for the Applicant.
Mr. S. R. Agarkar APP for the Respondent - State.

CORAM : S. M. MODAK, J.

DATED : 7TH AUGUST 2023

P.C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State. It is true that the Investigating Officer is not present.
2. Considering the allegations in FIR and delay in lodging the FIR, I am inclined to grant anticipatory bail, even though the allegations pertain to a woman, thereby outraging her modesty.
3. The first informant-Shivani Maghade runs a Spa. She works as a Manager at Phoenix Spa, Vashi, Navi Mumbai. She got complaint copy from two unknown persons. It is mentioned

that Phoenix Spa is carrying out unlawful business. The name of accused No.1-Ganesh Govekar and his phone number is mentioned therein. She called Ganesh on 3rd May 2023. On 5th May 2023, Ganesh contacted the first informant on phone and called her at Gala No.7, Sector 30, Vashi. There were four persons sitting in the car, out of them Ganesh-accused No.1 and accused No.2 were sitting on front seat, whereas as Ruttik-accused No.3 and accused No.4-Sahil were sitting at back seat. The first informant was asked to sit in between Ruttik and Sahil. The allegation against the present Applicant is that he tried to touch breast of the first informant. She was asked to pay extortion amount of Rs.15,000/- to Rs.20,000/-. The deal was settled at Rs.8,000/-. She has paid Rs.5,000/- through google pay to accused No.1-Ganesh. She has recorded conversation on mobile. However, she waited upto 8th May 2023 and on that date she lodged complaint with Vashi police station under Sections 389, 354, 354A read with 34 of the Indian Penal Code.

4. The plea of alibi is taken. Reliance is placed on google pay made to different person by this Applicant at about 7.19 pm on

5th May 2023, (page 39) and message sent by the Applicant, who works in M/s. Kakad Engineers and Contractors, mentioning that he was at CSTM station at about 5.34 pm on 5th May 2023. With this document, I am not impressed, however, I am inclined to grant anticipatory bail, since the money is not paid to this Applicant and considering the allegations, the custodial interrogation is not required. Accused Nos.1 and 2 are also granted bail. Subject to condition, the following order is passed, even though the officer is not present, on the basis of above material, the following order is passed :

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No.153 of 2023, registered with Vashi police station, Navi Mumbai for the offence punishable under Sections 389, 354, 354A read with 34 of the Indian Penal Code, the Applicant-Ruttik Nilkant Kedar, be released on furnishing Personal Bond and Surety Bond in sum of Rs.25,000/-.
- (iii) Applicant shall not threaten the prosecution witnesses.
- (iv) Applicant to give attendance to the Vashi police

station, Navi Mumbai on the second and fourth Tuesday from 10 am to 12 noon till filing of the charge-sheet.

5. It is made clear that these are my *prima-facie* observations.

6. Anticipatory bail application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]